

MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~APPEALS~

Friday March 17, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Bob Gilliland, Commissioner Mark Liotta and Commissioner Russell.

Staff present to support the Commission: Lindsey Christopher and Dana Esparza.

CALL TO ORDER Presiding Appellate Officer, Chairman Gilliland

Call to order 9:00 a.m. by Chairman Gilliland, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Gilliland

After the roll call was taken, Chairman Gilliland announced the presence of a Quorum and the Statement of Compliance with the Open Meeting Act was read.

NOTICE OF COMPLIANCE..... Dana Esparza

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Thursday, November 3, 2016 at 12:02 p.m., in compliance with the Open Meeting Act.

The Agenda was posted at 3:55 p.m. on Wednesday, March 15, 2017, more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

MINUTES:

- The drafted Minutes of the Regular Meeting of February 17, 2017 were considered for approval.

Presiding Appellate Officer Chairman Gilliland presented the minutes of the February 17, 2017 Regular Meeting for approval.

Motion: Commissioner Liotta made a motion to approve the minutes of the February 17, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

James Knight v. Holiday Inn & Zenith Insurance Co., file #CM2014-06101Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Greg A. Barnard represented the Claimant and Jennifer E. Jackson represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Presiding Appellate Officer Chairman Gilliland moved to vacate and remand the Administrative Law Judge's order for determination of good cause for failure to comply with the order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER REMANDED

Gary E. Hoskins v. Poly Pipe Inc. & Insurance Co. of the State of Penn, file #CM2015-01732X

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel J. Talbot represented the Claimant and Jennifer A. Sloan represented the Respondent.

Motion: After reviewing the record and deliberating, Presiding Appellate Officer Chairman Gilliland moved to take preliminary action to affirm in part and modify the Administrative Law Judge's order to allow Respondent to choose the treating physicians and instruct Commission counsel or other staff member to draft a proposed order with findings of fact and conclusions of law.

Second: Commissioner Liotta

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED IN PART REMANDED IN PART

Hansel Day v. Brenntag Southwest Inc. & XL Insurance America Inc., file #CM2016-01175H

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones represented the Claimant and Robert P. Powell represented the Respondent.

Motion: After reviewing the record and deliberating, Presiding Appellate Officer Chairman Gilliland moved to affirm with an amendment to paragraph II 5b of the Order Finding Compensability and Awarding Temporary Total Disability and Medical Benefits to correct a scrivener's error regarding the TTD rate to be \$525.00 instead of \$252.00 in the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, and Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED WITH AMENDMENT

Marshall Eldridge v. Tulsa County Sheriff's Department (OWN RISK #11247), file #CM2016-01830A

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green represented the Claimant and Jay McAtee represented the Respondent.

Claimants Attorney filed a motion to dismiss this argument. There being no objection, the dismissal was granted therefore no argument was presented.

APPEAL DISMISSED

Ray Graham v. D&K Oilfield Services & Compsource Mutual Ins Co. (FKA Compsource Oklahoma), file #CM2016-01776X

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Bob Burke represented the Claimant and Peter Mills represented the Respondent.

Motion: After hearing the oral argument of counsel and deliberating, Commissioner Liotta moved to affirm the Administrative Law Judge's order and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Commission Consideration of Adoption of Final Order in the Following Case:

Donald Wilson v. Rolled Alloys LP & Travelers Property & Casualty Co. of America, file #CM2015-08087Q

On February 17, 2017, after hearing the oral argument of counsel and deliberating, the Commission voted to affirm the Administrative Law Judge's order and instruct Commission staff to draft a proposed order supporting the decision. The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order was drafted and considered for adoption by the Commission.

Motion: Commissioner Liotta moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ORDER ADOPTED

Melinda Moore v. Sequelcare of Oklahoma LLC & Travelers Indemnity Co. of Connecticut, file #CM2016-01888H

On February 17, 2017, after hearing the oral argument of counsel and deliberating, the Commission voted to take this case under advisement. The proposed order was drafted and distributed to the Commissioners for consideration of adoption.

After reviewing the record, hearing oral arguments, and deliberating, a proposed order affirming in part and vacating in part was drafted and considered for adoption by the Commission.

Motion: Commissioner Liotta moved to adopt the order as proposed and authorize the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Presiding Appellate Officer Chairman Gilliland

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: ORDER ADOPTED

Announcements

Commission's next business meeting is Thursday, April 20, 2017. Commission's next meeting regarding Appeals is scheduled for Friday, April 21, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Gilliland moved to adjourn the meeting at approximately 12:09 p.m.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Gilliland, Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.